

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

RONALD BONDURANT,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-07-602-M
)	
CAMP VERDE DETENTION CENTER)	
OFFICERS, et al.,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

Plaintiff, a prisoner appearing *pro se*, brings this action against detention officers and medical personnel at a detention center in Arizona pursuant to 42 U.S.C. § 1983, alleging a violation of his constitutional rights while he was in custody at that detention center. United States District Vicki Miles-LaGrange has referred the matter to the undersigned Magistrate Judge for initial proceedings consistent with 28 U.S.C. §636(b)(1)(B). For the reasons set forth herein, the undersigned recommends that the complaint be dismissed without prejudice due to Plaintiff's failure to pay the filing fee.

By order of this Court dated June 21, 2007, Plaintiff was required to pay an initial partial filing fee in the amount of \$20.24 as calculated pursuant to 28 U.S.C. § 1915(b)(1) on or before July 11, 2007. Plaintiff was advised that failure to pay the initial partial filing fee or show cause in writing for his failure to do so, could result in dismissal of this action without prejudice to refileing.¹

¹Plaintiff was also advised that even if the deficiencies were corrected, the complaint could be subject to dismissal for lack of venue based on Plaintiff's allegations that all Defendants reside in Arizona.

A review of the court file reveals that Plaintiff has not paid the initial partial filing fee, requested an extension of time or shown cause for his failure to do so. Therefore, the undersigned recommends that this action be dismissed without prejudice. Local Civil Rule 3.4(b); *Cosby v. Meadors*, 351 F.3d 1324, 1326-33 (10th Cir. 2003) (upholding dismissal of civil rights complaint based on noncompliance with orders requiring installments on the filing fee or to show cause for the failure to pay).

Plaintiff recently advised the Court in a letter [Doc. No. 9], that he has been transferred back to Arizona. He inquires in the letter about refiling or transferring this action to the Court in Arizona. Because Plaintiff has not paid any part of his filing fee and he has not suggested any good cause for transferring this action, the undersigned recommends this action be dismissed.

RECOMMENDATION

Accordingly, because Plaintiff has neither paid the partial filing fee as ordered by this court nor shown good cause for such failure, it is recommended that this action be dismissed without prejudice to refiling. Plaintiff is advised of his right to file an objection to this Report and Recommendation with the Clerk of this Court by the 9th day of August, 2007, in accordance with 28 U.S.C. §636 and Local Civil Rule 72.1. Plaintiff is further advised that failure to make timely objection to this Report and Recommendation waives his right to appellate review of both factual and legal issues contained herein. *Moore v. United States*, 950 F.2d 656 (10th Cir. 1991).

This Report and Recommendation disposes of all issues referred to the undersigned Magistrate Judge in the captioned matter.

ENTERED this 20th day of July, 2007.



BANA ROBERTS
UNITED STATES MAGISTRATE JUDGE